

REMARKS

Applicant is filing this Response within the shortened statutory period. Consequently, Applicant believes that no fee is due with this filing; however, if a fee is due please charge Deposit Account No. 122158.

Claims 1-4 were presented for examination. The Office Action mailed January 12, 2009 rejects claims 1-4. Claims 1-4 remain pending in the application.

Rejection of Claims 1, 2 and 4 under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,502,239 to Zgarba et al. (hereinafter “Zgarba”). Applicant respectfully traverses the rejection because the cited reference does not teach every element and limitation of these claims.

The immediately following paragraph was previously presented in the Request for Reconsideration submitted to the U.S. Patent and Trademark Office on October 6, 2008 and is reiterated herein for clarity and consideration.

Development of software code is often based on the use of a software modeling tool. A software model is developed and code is then generated from the model. Code can be modified and the changes in the code are used to transform the software model. These back and forth synchronizations can be repeated until a final version of the code is established; however, changes can be made to the software model and changes can be made to the code between synchronization events as shown in Applicant's FIG. 2. Thus the changes made to the software model can conflict with the changes made to the code between synchronizations.

Zgarba discloses the round-trip engineering source code from a software model. More specifically, Zgarba describes a method of forward engineering source code that was previously reverse engineered into a software model so that the updated source code does not

include any changes that were not made in the model. (Abstract). The method keeps the software model in synchronization with the source code without the need for source code markers to delimit the parts of the source code which are to be synchronized with the software model. (Column 2, lines 16-21). To do this, “[t]he code in the software application is analyzed, and a software model of the aspects of the application code which can be incorporated into the software model is generated. The software model is then used to regenerate the source code represented by the software model, and any of the source code which is not represented in the software model is merged into the generated source code from the original code.” (Column 2, lines 21-28). For example, aspects of the source code that may not be stored in the software model can include formatting information but it is important that such information not be lost in round-trip engineering. (Column 3, lines 27-30).

In sum, Zgarba discloses a method that “primarily relates to the merging of the source code and the data in the software model, where possible retaining the original source code without recourse to markers in the code.” (Column 4, lines 56-59). Although Zgarba addresses aspects of round-trip engineering, Zgarba does not address or suggest how to proceed if both the source code and software model are independently changed between synchronizations. More specifically, if the source code and software model disclosed in Zgarba are considered to be first and second artifacts, these artifacts are not “modified independent of a modification to the other artifact after a last synchronization” as recited in Applicant’s claim 1. The Office Action refers to Fig. 1 and the related text of Zgarba to show this recited limitation; however, Applicant notes that the figure and text show only how a software model is related to source code for general synchronization purposes and that there is no showing or description of the separate (i.e., independent) modification of two artifacts after synchronization. Thus Applicant submits that Zgarba does not teach the recited limitation or any of the subsequently recited steps in independent claim 1 which rely on the artifacts having this limitation.

At least for the reasons set forth above, Applicant submits that Zgarba does not teach or suggest every limitation as recited in independent claim 1 and therefore Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

Claims 2 and 4 depend directly or indirectly from independent claim 1 and incorporate all of the limitations of claim 1. Therefore Applicant submits that dependent claims 2 and 4 are also allowable over the cited reference for at least those reasons provided above in connection with claim 1, and Applicant respectfully requests that the rejection under 35 U.S.C. 102(b) against claims 2 and 4 be withdrawn.

Rejection of Claim 3 under 35 U.S.C. §103(a)

The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Zgarba in view of U.S. Patent No. 6,03,393 to Iyengar et al. (hereinafter “Iyengar”). Applicant respectfully traverses the rejection.

The Office Action relies on Iyengar to show a limitation recited in claim 3 that is not taught or suggested by Zgarba; however, Iyengar also does not disclose the limitation identified above as missing from the disclosure of Zgarba. Claim 3 depends from independent claim 1 and therefore incorporates all of the limitations of its base claim. Thus Applicant submits that claim 3 is allowable over the cited references for at least those reasons provided above in connection with claim 1, and Applicant respectfully requests that the rejection of claim 3 under 35 U.S.C. 103(a) be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed; however, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed.

In view of the remarks made herein, Applicant submits that the application is in condition for allowance and request early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the Applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-2003.

Respectfully submitted,

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